

Rev 2/06

10/591417 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : JAMES RABEAU, ET AL.  
Application No. :  
Filed : Herewith  
Confirmation No. :  
For : PHOTON SOURCE  
Examiner :  
Attorney's Docket : GRIF-006XX

TC Art Unit:

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on .

By: \_\_\_\_\_  
Beverly E. Hjorth  
Registration No. 32,033  
Attorney for Applicants

## INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

[X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

[ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:  
[ ] a statement under 37 CFR § 1.97(e); or  
[ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

[ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

[ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

[ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. §

Attorney Docket No. : GRIF-006XX

**10/591417**

Filed: Held with:

TC Art Unit:

Confirmation No.:

1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

References indicated by an \* on the attached citation form were cited in an International Search Report (copy enclosed) in application No. PCT/AU2005/000296 filed March 2, 2005.

IAP5 Rec'd PCT/PTO 01 SEP 2006

Attorney Docket No.: GRIF-006XX

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**10/591417**

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

JAMES RABEAU, ET AL.

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Date: September 1, 2006

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Enclosure

Date: September 1, 2006

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(REV. 05/03) <b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO.  GRIF-006XX	APPLICATION NO.  <b>10/591417</b>	
				APPLICANT: James Rabeau, et al.		
				FILING DATE Herewith	TC ART UNIT	
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*US 2003/0021518	01-2003	Smirnov et al.			
	*US 5,839,830	11-1998	Young et al.			
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
	* WO 2004/046427	06-2004	WIPO			
	* JP 09-028715 <b>Abstract</b>	02-1997	Japan			X
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>						
	BEVERATOS et al., Phys. Rev. Lett. 89, 187901 (2002)					
	BROURI, R., et al., Opt. Lett. 25, 1297 (2000)					
	* BUTLER, J., "Chemical Vapor deposited Diamond-Maturity and Diversity," The Electrical Society Interface, pp. 22-26 [online], Spring 2003, [retrieved on 2005-04-08]. Retrieved from the Internet: <URL: <a href="http://ftp.electrochem.org/publications/interface/spring2003/IF3-03-Pages 22-26.pdf">http://ftp.electrochem.org/publications/interface/spring2003/IF3-03-Pages 22-26.pdf</a>					
	KÜHN, S., et al., Journ. of Microscopy, vol. 202, pt. 1 (2001)					
	MAY, P.W., et al., Diamond and related Materials 4 (1995)					
	"Optical Properties of Diamond," A Data Handbook, ZAITSEV, A.M., 2001					
EXAMINER			DATE CONSIDERED			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

CLG/mc/340711.1

**\* REFERENCES CITED IN INTERNATIONAL SEARCH REPORT (PCT/AU2005/000296 filed March 2, 2005)**

**(All references except "Optical Properties of Diamond," A Data Handbook, ZAITSEV ... and US patents are enclosed.)**